

Applicant: Gesten, Jeffrey L.
Serial No.: 10/668,380
May 16, 2005

REMARKS

Applicant appreciates Examiner's indication of allowable subject matter. Reconsideration of this application is requested. Claims 1, 4 and 16 have been amended without prejudice. Claim 3 has been cancelled and claims 19-23 have been added. Claims 1-2 and 4-23 remain pending. Applicant has also addressed each of the issues raised under 35 USC Section 112 in this Amendment to place this application in condition for allowance pursuant to Examiner's indication. No new matter has been added.

Applicant notes Examiner's rejection of claim 16 under 35 USC Section 112, second paragraph, because of the phrase "such as." Applicant has amended claim 16 to remove said phrase. Applicant submits that this amendment addresses said rejection and that claim 16 is in condition for allowance.

Applicant respectfully traverses the Examiner's rejection of claims 1, 4-7, 12 and 16 under 35 USC Section 102, as being anticipated by GB 228043A. Notwithstanding the amendments to the claims, Applicant submits that the original claims do not read on GB 228043A and that Applicant's invention as claimed is structurally and fundamentally distinct therefrom. It is axiomatic in any proper Section 102 rejection that every element of the invention as claimed be contained in the cited reference. Applicant submits that GB 228043A fails to disclose every element of claims 1, 4-7, 12 and 16 and is structurally distinct from Applicant's claimed invention. Notwithstanding, Claims 1

Applicant: Gesten, Jeffrey L.
Serial No.: 10/668,380
May 16, 2005

and 4 have been amended, without prejudice, to place claims 1, 4-7, 12 and 16 in condition for allowance.

Applicant respectfully traverses the Examiner's rejection of claims 1, 4-6, 8, 12 and 16 under 35 USC Section 102, as being anticipated by Peng. Notwithstanding the amendments to the claims, Applicant submits that the original claims do not read on Peng and that Applicant's invention as claimed is structurally and fundamentally distinct therefrom. It is axiomatic in any proper Section 102 rejection that every element of the invention as claimed be contained in the cited reference. Applicant submits that Peng fails to disclose every element of claims 1, 4-6, 8, 12 and 16 and is structurally distinct from Applicant's claimed invention. Notwithstanding, Claims 1, 4 and 16 have been amended, without prejudice, to place claims 1, 4-6, 8, 12 and 16 in condition for allowance.

For the reasons indicated above, Applicant asserts that claims 1-2 and 4-23 patentably distinguish Applicant's invention over the prior art of record, and are in condition for allowance. Applicant respectfully requests that the above rejections be reconsidered and withdrawn since the

[THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

Applicant: Gesten, Jeffrey L.
Serial No.: 10/668,380
May 16, 2005

overall invention, as recited in Applicant's claims is neither taught nor suggested by the cited prior art.

Should the Examiner have any concerns or comments, the undersigned would appreciate a telephone conference in order to expedite this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. P. Lhota', written over a horizontal line.

David P. Lhota, Reg. No. 39,275
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 1900, 200 East Broward Boulevard
Fort Lauderdale, FL 33301
(954) 462-9576

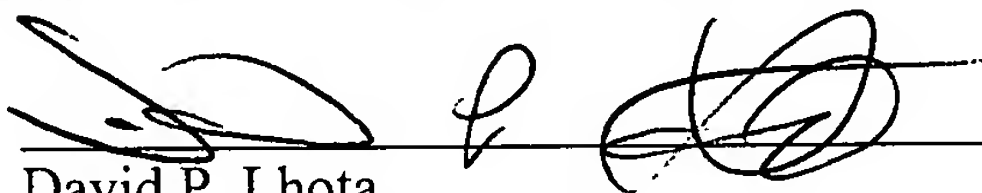


PATENT APPLICATION: **AUDIO ASSEMBLY AND CONNECTION SYSTEM FOR HATS**
FILE NO.: **4846.001**

CERTIFICATE OF MAIL

I HEREBY CERTIFY that the following correspondence: *AMENDMENT IN RESPONSE TO OFFICE ACTION MAILED 02/16/2005; CHECK IN THE AMOUNT OF \$350.00 FOR ADDITIONAL CLAIMS; and RETURN POSTCARD FOR CONFIRMATION OF RECEIPT* is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16 day of May, 2005.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.


David P. Lhota
Date: 5-16-05

Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.
200 East Broward Boulevard, Suite 1900
Fort Lauderdale, Florida 33301
(954) 462-9500